



UNITED STATES MARINE CORPS  
MARINE CORPS INSTALLATIONS PACIFIC-MCB CAMP BUTLER  
UNIT 35001  
FPO AP 96373-5001

5720  
SJA/FOIA  
10-May-23

Dear Corporal Madalynne L. Gonzalez:

SUBJECT: PRIVACY ACT REQUEST DON-USMC-2023-006574

This letter is in response to your Privacy Act request seeking a copy of the police report regarding an incident surrounding a stolen flak from your barracks room in July of 2022. Your request was received by this office on 1 May 2023, and has been assigned under case number DON-USMC-2023-009830.

Please note that the report was identified and retrieved from a records collection governed by the Privacy Act of 1974 (5 U.S.C. § 552a) and Privacy Act System of Records Notice (PA SORN) NM05580-1: Security Incident System (January 09, 2007, 72 FR 958). Because the PA SORN invokes what is known as a (j)(2) exemption, the access provisions of the PA do not apply in this instance, so we have processed your request pursuant to the FOIA (5 U.S.C. § 552). My review included consideration of the "foreseeable harm standard" (i.e., that information which might technically fall within an exemption should not be withheld from a FOIA requester unless the agency can identify a foreseeable harm or legal bar to disclosure).

A search of our PMO records uncovered 13 pages of the enclosed file as responsive to your request. Upon review, we have determined that it is releasable and have enclosed a copy with this letter. You will see that some information has been redacted pursuant to the following FOIA exemptions:

5 U.S.C. §552 (b)(3) covers information specifically exempted from disclosure by statute. 10 U.S.C. §130(b)(a)(1) establishes that the names, ranks, and duty addresses of military and Department of the Navy/Department of Defense civilian personnel assigned to units that are sensitive, routinely deployable, and/or stationed in foreign territories are to be withheld under the FOIA. Therefore, we have excised this information from the releasable documents.

Under 5 U.S.C. §552 (b)(6) and SECNAVINST 5720.42G, enclosure (4), paragraph (f), certain records or information related to third parties which are found in "personnel and medical files and similar files" may be exempt from disclosure if release of the records or information would constitute a clearly unwarranted invasion of personal privacy. This includes, but is not limited to, the names of DON/DoD military and civilian personnel assigned to units stationed in foreign territories, addresses, birthdates, social security numbers, and any other personally identifiable information regarding third parties. Accordingly, we have redacted third party information from the releasable document.

Under 5 U.S.C. §552 (b)(7)(C), and SECNAVINST 5720.42G, enclosure (4), certain records or information compiled for law enforcement purposes may be exempt from disclosure if release of the records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. This includes, but is not limited to, the names of DON/DoD military and civilian personnel, addresses, birthdates, social security numbers, and any other personally identifiable information regarding third parties referenced in law enforcement files.

Because your request has been denied in part, you may consider this to be an adverse determination that may be appealed. You may do so via regular mail. You may submit an appeal to the Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should

include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation, "Freedom of Information Act Appeal."

You also have the right to seek assistance and/or dispute resolution services from the Marine Corps FOIA Public Liaison, Ms. Sally Hughes, at [hqmcfoia@usmc.mil](mailto:hqmcfoia@usmc.mil) or (703) 614-4008, and/or the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at [Christopher.a.julka@navy.mil](mailto:Christopher.a.julka@navy.mil) or (703) 697-0031. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at [ogis@nara.gov](mailto:ogis@nara.gov) or 1-877-684-6448. For more information online about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

Any questions concerning this matter should be directed to the undersigned at [MCBSJAFOIA@usmc.mil](mailto:MCBSJAFOIA@usmc.mil), at DSN: 645-7462.

I am the official responsible for the partial denial of your request.

Sincerely,



Timothy M. Aoyagi  
Lieutenant Colonel, U.S. Marine Corps  
Staff Judge Advocate